

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Christopher John Rubisch

v.

Civil No. 15-cv-076-JL

Chaplain Jim Daly

O R D E R

Before the court is prisoner Christopher Rubisch's Complaint (doc. no. 1). The Complaint is before the court for preliminary review pursuant to 28 U.S.C. § 1915A(a) and LR 4.3(d)(1).

Upon review of the complaint, the court finds that it states cognizable claims alleging violations of Rubisch's rights arising under: the Free Exercise and Establishment Clauses of the First Amendment; the Fourteenth Amendment's guarantee of equal protection; and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc, et seq. Accordingly, and without prejudice to defendants' filing of a motion to dismiss on any proper basis, this action may proceed and be served on Chaplain Jim Daly, as set forth below.

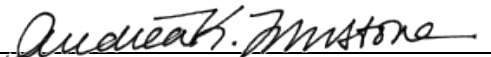
Service

The Clerk's office is directed to serve electronic copies of this Order and the Complaint (doc. no. 1) on the New Hampshire Office of the Attorney General ("AG"), as provided in the Agreement on Acceptance of Service. Within thirty days from receipt of these materials, the AG must submit an Acceptance of Service notice to the court specifying whether Daly has authorized the AG to receive service on his behalf. When the AG files the Acceptance of Service, service will be deemed made on the last day of the thirty-day period for Daly, if he accepts AG representation, and if the AG agrees to represent him.

If Daly does not authorize the AG to receive service on his behalf, or the AG declines to represent him, the AG shall, within thirty days from receipt of the aforementioned materials, provide to the court with Daly's last known address. In that event, the Clerk's office is instructed to complete and issue a summons for the defendant, using the last known address provided, and forward the summons, along with copies of this Order and the Complaint (doc. no. 1), to the United States Marshal for the District of New Hampshire ("U.S. Marshal"), to complete service on the defendant in accordance with this Order and Fed. R. Civ. P. 4(c)(3) and 4(e).

Defendant is instructed to answer or otherwise plead within twenty-one days of service. See Fed. R. Civ. P. 12(a)(1)(A). Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on defendants by delivering or mailing the materials to defendants or their attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.


Andrea K. Johnstone
United States Magistrate Judge

April 10, 2015

cc: Christopher John Rubisch, pro se